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detracted from the powers of the Lieutenant-Governor as given by the British North America Act (30 VICT., c. 3, §§ 54, 56, 90). Provision is made by § 92 (1) of the latter act: "In each Province, the Legislature may exclusively make laws in relation to . . . the amendment, from time to time . . . of the Constitution of the Province, except as regards the office of Lieutenant-Governor." *Held*, that the Manitoba act is *ultra vires*. *In re the Initiative and Referendum Act*, [1919] A. C. 935 (Privy Council).

In the United States, it would seem that provision for the initiative and referendum may not be made by state statute, due to the constitutional principle that legislative power is delegated by the people to a definite legislative body, which cannot in turn pass its powers on. *Ex parte Wall*, 48 Cal. 279, 315; *C. W. & Z. R. R. v. Clinton County*, 1 Ohio St., 77, 87. See 16 HARV. L. REV. 218. Such legislative device may be secured, however, through constitutional provision or amendment, and does not contravene the Federal Constitution, which guarantees to the states a republican form of government. *Kadderly v. Portland*, 44 Ore. 118, 74 Pac. 710; *State v. Hutchinson*, 93 Kan. 405, 144 Pac. 241. See 24 HARV. L. REV. 141. In Canada the British North America Act constitutes the fundamental law, and is the charter by which the rights of the dominion and provincial governments are to be determined. *Mercer v. Attorney-General*, 5 Can. S. C. 538, 675. Within the limits prescribed by § 92 of that act, the provincial legislatures are deemed to have plenary authority — are not considered mere delegates of the Imperial Parliament. See LEFROY, CANADA'S FEDERAL SYSTEM, 64. Accordingly, they may seek the assistance of subordinate agencies for the enactment of local regulations, such as the licensing and control of taverns. *Hodge v. The Queen*, L. R. 9 A. C. 117, 132. And they may legislate conditionally; for example, by prescribing that an act shall come into operation only on the petition of a majority of electors. *Russell v. The Queen*, L. R. 7 A. C. 829, 835. It has also been suggested that, not being themselves delegates, they may endow a new and different legislative body with their powers. See LEFROY, CONSTITUTIONAL LAW OF CANADA, 69; CANADA'S FEDERAL SYSTEM, 65, 69. This problem was adverted to in the principal case, but no opinion was expressed, the court considering that the case was concluded on the short ground that the provincial legislature had, in taking from the powers of the Lieutenant-Governor, exceeded an express limitation.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE: THE WAR POWER — WAR-TIME PROHIBITION. — On November 21, 1918, after the armistice with Germany had been signed, the War-Time Prohibition Act was approved, the act providing that after June 30, 1918, until the conclusion of the war and the termination of demobilization, the date to be proclaimed by the President, it should be unlawful to sell for beverage purposes any distilled spirits. Injunctions were asked against internal revenue collectors to restrain them from taking steps under the act. *Held*, that the act is constitutional. *Hamilton v. Kentucky Distilleries and Warehouse Co.*; *Dryfoos et al. v. Edwards*, U. S. Sup. Ct., Nos. 589 and 602, October Term, 1919.

On October 28, 1919, the Volstead Act was passed over the President's veto, providing that the words "beer, wine, or other intoxicating malt or vinous liquors" in the War-Time Prohibition Act should be construed to mean any liquors which contain in excess of one half of one per cent alcohol. Suit was brought to restrain the enforcement of the act. *Held*, that the act is constitutional. *McReynolds*, Day, Van Devanter, and Clarke, JJ., dissenting. *Ruppert v. Caffey*, U. S. Sup. Ct., No. 603, October Term, 1919.

For a discussion of these cases, see NOTES, p. 585, *supra*.

CONTRACTS — CONSTRUCTION — DURATION OF A CONTRACT IN THE ABSENCE OF A SPECIFIED TIME LIMIT. — The plaintiff, a liquor dealer, in sub-